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TO : Commissioner for Patents
Mail Stop: Appeal Brief-Patents

FROM : Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP

DATE : June 16, 2008

SUBJECT : U.S. Patent Appln. Serial No. 10/649,207
for *Personal Area Networks*
Inventor(s): Beach
Our Ref.: 40146/26802

NUMBER OF PAGES INCLUDING COVER : 6

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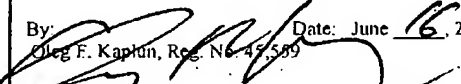
JUN 16 2008

Attorney Docket No. 40146/26802 (1355)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Beach
Serial No. : 10/649,207
Filing Date : August 27, 2003
For : Personal Area Networks
Group Art Unit : 2616
Confirmation No. : 5130
Examiner : Christopher P. Grey

Mail Stop: Appeal Brief-Patents
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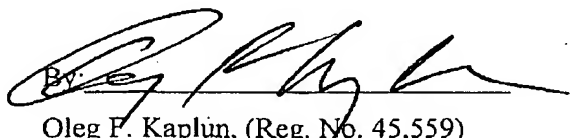
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By:  Oleg F. Kaplun, Reg. No. 45,559	Date: June 16, 2008

TRANSMITTAL

Transmitted herewith please find a Reply Brief in response to the Examiner's Answer mailed on May 13, 2008 and to the Appeal Brief filed on April 16, 2008 for filing in the above-identified application. No fees are believed to be required. The Commissioner is hereby authorized to charge any additional required fees to the **Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492**. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: June 16, 2008

By: 
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Attorney Docket No. 40146-26802 (1355)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Beach
Serial No. : 10/649,207
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For : Personal Area Networks
Group Art Unit : 2616
Confirmation No. : 5130
Examiner : C. Grey

Mail Stop: Appeal Brief - Patent
Commissioner for Patents
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Arlington, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 41.41

In response to the Examiner's Answer mailed on May 13, 2008 to the Appeal Brief filed on April 16, 2008, and pursuant to 37 C.F.R. § 41.41, Appellant presents this reply brief in the above-captioned application.

Serial No.: 10/649,207
Group Art Unit: 2616
Attorney Docket No.: 40146/26802

REMARKS

In the Examiner's Answer, the Examiner appears to assume that the dual physical layer functional element 200 includes just one transmitter and one receiver, and that this single transmitter and receiver convey 802.11 and Bluetooth packets. Answer at page 14. Appellant disagrees. Although Awater does not disclose the internal structure of element 200, the interpretation that is more grounded in the specification would regard element 200 as including two transceiver elements, not one. For instance, paragraph [0059] describes element 200 as including separate Bluetooth and 802.11 transmitters. ("In the multiplexing mode of operation the IEEE 802.11 transmitter is switched off when the Bluetooth transmitter is receiving data...."). Paragraph [0059] later on goes on to explicitly mention separate "IEEE 802.11 and Bluetooth radio systems." Thus, despite the illustration in Figure 2 of a single element 200 that is designated as a IEEE 802.11/Bluetooth dual physical layer functional element, the Awater device still in reality contains separate transmission circuits devoted separately to IEEE 802.11 and Bluetooth transmissions. This is unlike the claimed invention, which recites a single radio and transmitter for both modes of communication. Thus, Awater fails to achieve the stated object of providing "an apparatus which provides both WLAN and PAN services using a single radio for both functions." Specification at [0008].

Serial No.: 10/649,207

Group Art Unit: 2616

Attorney Docket No.: 40146/26802

For the reasons set forth above, Appellant respectfully requests that the Board reverse the final rejection of the claims.

Respectfully submitted,

Date: June 16, 2008

By: 
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